

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOE CECIL SISTRUNK,

Case No. 24-CV-4013 (NEB/DLM)

Plaintiff,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

SERGEANT MOORE, OFFICER
HENNINGWAY, OFFICER JACOBSON,
and OFFICER ESPERUM,

Defendants.

The Court has received the January 6, 2025 Report and Recommendation of United States Magistrate Judge Douglas L. Micko. (ECF No. 6.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 6) is ACCEPTED;
2. Plaintiff Joe Cecil Sistrunk's Complaint for Violations of Civil Rights Under 42 U.S.C. § 1983 (ECF No. 1) is DISMISSED WITHOUT PREJUDICE under 28 U.S.C. § 1915A;
3. Sistrunk's Application to Proceed Without Prepaying Fees or Costs (ECF No. 2) is DENIED as moot;

4. Sistrunk is ORDERED to pay the unpaid balance of this action's statutory filing fee—*i.e.*, \$294.63—in the manner prescribed by 28 U.S.C. Section 1915(b)(2); and the Clerk of Court is ORDERED to provide notice of this requirement to the authorities at the institution where Sistrunk is confined.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 18, 2025

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge